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***RETHINKING YOUTH PROSTITUTION: NATIONAL PROVISION AT THE  
MARGINS OF CHILD PROTECTION AND YOUTH JUSTICE***

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***RETHINKING YOUTH PROSTITUTION: NATIONAL PROVISION AT THE MARGINS OF CHILD PROTECTION AND YOUTH JUSTICE***

***Abstract:***

In March 2000, the Department of Health and Home Office issued a guidance document that fundamentally altered policy and practice with regards to young people in prostitution. Instead of being arrested and punished for prostitution-related offences, those under 18 years olds were to be thought of as child ‘in need’ and offered welfare-based interventions. The practice that has developed in the last three years, however, has offered interventions that are located within both child protection work and youth justice. This article examines these changes in order to generate insights about the changing nature of youth justice and, more specifically, about the ways that managerialism and corporatism have created a structure in which the desire to care for vulnerable young people and the demand to punishment troubling youths is rendered less relevant than managing them. Through an analysis of how the practitioners and policy makers in charge of implementing Britain’s new youth prostitution policy talk about ‘risk’ and ‘responsibility’, ‘liability’, ‘protection’ and ‘punishment’, article argues that the contradiction between care and control has been re-interpreted such that there is noticeable blurring of the boundaries between welfare and punishment at the margins of youth justice work.

that took place subsequent to this guidance to examine changes within youth justice more broadly. Specifically, it is argue that the desire to care for troubled young people and the

demand to punish the troubling has not been displaced by managerialism and corporatism, but rather , indeed, been displaced by recent

### ***Introduction:***

Since New Labour came to power in May 1997 virtually every aspect of how young lawbreakers are dealt has been subject to broad and sweeping changes. Many of these changes concerned the treatment of specific groups of offenders (i.e. ‘persistent young offenders’) and have attracted attention from both within academic circles and without. But, there have been no less significant changes to the treatment meted out to other groups of offenders that has attracted little academic and virtually no public attention. Young people involved in prostitution is one such group. Change here, whilst ‘quieter’ and at the edges of both youth justice and child protection, has been no less sweeping or profound. In May 2000, the Department of Health and Home Office issued guidance (entitled *Safeguarding Children Involved in Prostitution*) that enjoined welfare and criminal justice agencies to treat young people in prostitution differently than adults, and specifically, to treat them as potential victims rather than as offenders of prostitution-related laws. Put simply, whereas once a 14, 15 or 16 year old girl in prostitution could be cautioned, arrested, charged and punished in the same way as a 21, 35 or 52 year old, now they are to be treated as young people ‘at risk’ or experiencing ‘significant harm’. This paper draws on two different research projects<sup>1</sup> and asks what, if anything, can be understood about changes in youth justice more broadly through an examination of shifts

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<sup>1</sup> The first research project examined the implementation of the new guidance via interviewing senior police officers, social service managers and directors, voluntary organisations workers and project managers and any other individuals responsible for implementing the DOH/HO guidance in five local authorities in England. The second research project catalogued and analyzed the provision for young people in prostitution in England, Ireland, Wales and Scotland. Data was collected via a national survey and a prolonged series of telephone interviews with every local authority (or similar body) within the UK.

at the margins. Whilst the focus of the paper is about young people in prostitution, the main theme is the diverse and less than predictable ways that the borders between what is conceived of as child protection and youth justice are actively being re-constituted. The argument I put forward takes Muncie's and Hughes' observations about recent changes to youth justice (Muncie & Hughes 2002) and develops the case that the contradictions between welfare and punishment have not so much been displaced as they have been accommodated in ways that the boundaries between them blur and the distinction become much less clear. I argue that: (i) the ideologies of managerialism and corporatism allow for an accommodation of the contradiction at the heart of youth justice between the desire to care for vulnerable young people and the demand to punish their lawbreaking; (ii) the primary strategy making this accommodation possible is multi-agency work with 'troubling' young people; (iii) the focus of this work becomes the identification and management of risk, albeit in a context that includes the management of risks that some young people pose to the organisation concerned (i.e. social service, voluntary organisations and police); (iv) in so doing, the distinction between protection and punishment blur in ways that render the contradictory plausible, meaningful and above all else not contradictory.

This article is divided into four sections. In the first section I offer some thoughts on the various ways that troubled and troubling young lives are governed in order to frame the discussion that follows. In the second section, I outline the change to policy and practice initiated by Department of Health and Home Office guidance. Following on from this, I provide an analysis of the diverse ways that 'risk' is understood within the multi-agency approach that was adopted for working with young people in prostitution

before moving on to discuss the actual interventions that have been put in place subsequent to the guidance. In the final section I detail three key ways in which the boundaries between protection and punishment blur.

## ***YOUTH GOVERNANCE***

Since the middle of the nineteenth century, official treatment of young people in trouble has oscillated between the twin (but opposing) poles of the desire to protect and the impulse to punish just as young people themselves have been variously understood as victims and villains. Such understandings shape fundamentally different and divergent provisions (Brown 1996, Muncie 1996, Pitts 1988, 2003). Whereas the construction of young people as vulnerable or victimised focused official attention on their welfare needs, constructions of them as responsible, morally culpable and blame worthy concentrated attention on punishment. And in keeping with these contradictory understandings, policies have vacillated between those adopting primarily an exclusionary strategy (care, incarceration, and so on) and those adopting primarily an inclusionary strategy (welfare provision, fostering and adoption, community punishments and so on). However, three years into the new millennium, such a simple characterisation of youth justice policies and practice is no longer adequate. Muncie and Hughes (2002) have noted that in the last two decades youth justice is shaped by a more ‘hybrid’ agenda. Other ideologies, rhetorics and strategies have emerged that impact both on how the age-old contradiction between care and control takes specific form and the extent to which that contradiction drives and shapes actual policies and practice. Importantly, the

emergence of corporatism and managerialism with their respective strategies of multi-agency (or inter-agency) work and risk assessment has fundamentally altered the provision of youth justice (Muncie and Hughes 2002, Pratt 2002, Pitts 2003, Smith 2003). Accordingly, Muncie and Hughes (2002) and others suggest that the contradictions of care and control, protection and punishment have been displaced, or more precisely rendered less relevant because the capacity of corporatism and managerialism is such that it has all but silenced philosophical and political discussion about the purpose of punishment or welfare and analyzes of both the causal factors of lawbreaking and the mechanisms to 'normalise' the young person. Instead the focus of policies and agencies dealing with young lawbreakers turns to managing the 'risks' of re-offending they pose to the wider community (Newburn 2002) and ensuring communication between the different agencies (i.e. social services, youth offending teams, voluntary organisations, youth court panels, and so on).

At the same time as the contradiction between welfare and punishment has been displaced, commentators on youth justice have also noted the expansion of youth justice policies into other areas such that there has been a creeping criminalisation of social policy where youth is concerned (Muncie 1999, Smith 2001). Thus, for instance, the Crime and Disorder Act 1998 has criminalised behaviours and activities that are not, in fact, infractions of penal codes (i.e. 'anti-social behaviour') and extended the capacity of criminal justice to penetrate deeper into the lives of people and their families and has ultimately drawn on non-criminal justice agencies to do the work of youth justice (i.e. education and social work). Parenting orders, child safety orders, anti-social behaviour orders, local child curfews, acceptable behaviour contracts and so on do not require

criminal adjudication just as the identification of those ‘at risk’ of ‘being at risk of offending’ does not require that the young person actually commits any offence. In yet other examples, the rhetoric of child protection and family support clouds the issue of justice and blurs the boundaries between criminal justice and other welfare agencies as families (and especially parents) are compelled to take ‘proper’ care of their youngsters in order to halt the process by which they might become offenders (or be held responsible). Underpinning these changes has been the drive to manage troubling populations through the quantification of risks of ‘re-offending’, the focus on preventing youth crime and the drawing together of a range of both criminal justice and other agencies to identify, survey, control and work with potentially lawbreaking young people (Smith 2001, Kempf-Leonard & Petersen 2002).

And so, five years since the inception of the Crime and Disorder Act 1998, it has become more commonplace to discuss youth justice as comprised of a hybrid agenda in which it is possible to contain both the demand for punishment and the desire to care through the ideology of managerialism. As Muncie and Hughes write: ‘Managerialism, because it has no higher purpose, may be the only available thread that can tie the contradictory, the volatile and the inconsistent together. No reading of the future can ever be clear. The logics of welfare paternalism, justice and rights, responsabilisation, remoralisation, authoritarianism and managerialism will continue their ‘dance’ and new spaces for resistance, relational politics and governmental innovation will be opened up’ (Muncie and Hughes 2002:16).

Understanding changes in the nature of youth governance in such a fashion is much more than mere characterisation offering an illuminating set of references points



onto which specific interventions, policy changes and practice developments can be mapped: it is, instead, a framework in which policy and practice in the area of youth justice can be analyzed and examined. Specifically, the rhetoric, ideology and practices associated with the broader strategies and discourses of paternalism, welfarism, justice, managerialism and so on are conceptualised as being both a set of resources and strategies that can be deployed to justify and generate interventions as well as discourses that shape and give form to those interventions. And, accordingly, the specificities of actual practice are thus explained as being as much as result of the local arrangements brokered between agencies as they are the result of broader socio-economic forces and political conditions.

Notwithstanding the usefulness of Muncie's and Hughes' suggestions, the 'hybridity' to which they refer and the 'dance' that is implied is not quite as uncertain as is inferred. There are discernible patterns. It is one of these patterns that this paper addresses. Examining the changes to the ways that young people in prostitution have been treated in the last three years affords an insight into the ways that the separation between punishment and protection is becoming muddy and blurred. In this paper, I argue that the ideology of managerialism allows welfare and punishment to co-exist in a different way than was previously seen. It is not simply the case that protection is given to those who can be understood as 'in need' or 'at risk' whereas punishment was left for those who more neatly fit the discourse of youthful offending, or even as suggested by Smith (2001) that the demands of control and management take precedence over welfare concerns (and vice versa). Instead, I want to suggest that the key strategy of managerialism (i.e. risk assessment) allows for a growing encroachment into welfare

agendas of a punitive response and, almost satirically, punishment gets re-interpreted and re-constituted as welfare. Let me be clear: it is not just that via multi-agency working the different agencies and agendas are moving closer to each other – rather that underpinning welfare is punishment; when a ‘welfare-based’ intervention fails, punishment is never far behind. Just as the centrality of incarceration has yet to be displaced in the face of an increasing range of disposals, so to incarceration underpins the welfare protection offered to some young people (in this instance, young prostitutes) whose lives, already torn apart by the aggregate effects of poverty, anti-youth social policies and so on, are increasingly defined as toxic and in need of intervention<sup>2</sup>. And, underpinning punishment is a rhetoric of protection and welfare. In the next section, I describe the innovations to young prostitution policies that have occurred in the UK in order to set the context for the analysis and argument that follows.

### ***SAFEGUARDING CHILDREN INVOLVED IN PROSTITUTION***

In March 2000, the Department of Health and Home Office jointly issued *Safeguarding Children Involved in Prostitution (SCIP)* and appended it to *Working Together to Safeguard Children* (which informs all Local Authorities and other agencies working with children how the Children Act 1989 should be implemented). *SCIP* advised that the involvement of children<sup>3</sup> in prostitution should no longer be seen as a simple matter of offending; that it should be seen, in the first instance, as an indication that a

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<sup>2</sup> Nearly two decades of empirical research describe young people’s (and especially young girls) involvement in prostitution as being one of many survival strategies for those who are outwith education, training and the family, experiencing poverty and the almost complete foreclosure of other possibilities for economic and social security (cf. Phoenix 2001, O’Neill 2000, Pearce 2003, Melrose, Barret and Brodie 19??)

<sup>3</sup> *SCIP* defines ‘children’ as anyone under the age of 18 years old.

young person could be ‘at risk’ of significant harm if not already suffering from abuse. As such, *SCIP* informed agencies that there exists a statutory obligation to: (i) treat these children as victims (and not offenders); (ii) safeguard and promote their welfare; (iii) work together to create ‘exit strategies’; and, (iv) use the full force of the criminal law against those who would exploit, coerce, induce, or compel young people in the course of their involvement in prostitution. It is important to note that unlike other changes in youth justice, *SCIP* did not create or put in place new law. It also did not decriminalize prostitution for the under 18 year olds. It merely sought to re-focus the energies and attentions of, primarily, criminal justice and welfare agencies in order that the criminal law was not used against young people in prostitution in the first instance, and to change the direction of what was perceived to be common practice (i.e. the arrest, caution or prosecution and punishment of young people for prostitution-related offences).

Elsewhere I have discussed the problematic understandings of young people’s involvement in prostitution that shaped *SCIP* and for the purposes of this article only a brief summary is needed<sup>4</sup>. *SCIP* transposed the problem of young people’s involvement in prostitution into a ‘problem’ of child (sexual) abuse. It did this by re-defining what the ‘real’ problem of youth prostitution is and who the ‘real’ criminals are. The real problem, we were informed, is neither the social and material privations nor the devastated financial and emotional lives that makes involvement in prostitution not only possible but plausible and at times ‘attractive’ for some young people. Nor is it the lawbreaking behaviour of such young people. Instead, the ‘real’ problem of youth prostitution is that it is a manifestation of their victimization at the hands of unscrupulous men. The ‘real’

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<sup>4</sup> See ‘In the Name of Protection: Youth Prostitution Policy Reforms in England and Wales’, *Critical Social Policy*, vol 22(2), May 2000

criminals, thus, are not the young people who may be breaking the law by soliciting or loitering, but the men who target homeless, vulnerable, damaged young lives for their own pecuniary gain. *SCIP* directed justice agencies and the Local Authorities that traditional criminal justice work, thus, should be re-directed to arresting and prosecuting the ‘real’ criminals who commit the ‘real’ crimes. One impact of constructing the problem of youth prostitution in this fashion, however, is that the social and economic realities of many of these young people’s lives are simply erased. Young people, whose economic and social stability has been damaged by two decades of social policies that excluded them from the labour market, welfare benefits and made them blameworthy for their less than law-abiding survival strategies, are in one deft movement, symbolically transformed into victims of abuse<sup>5</sup>. That said, the guidance was very specific in asserting that not all young people in prostitution are victims of coercion. Some are involved in prostitution voluntarily. For these young people, who are constituted as also being ‘real’ offenders, criminal justice intervention is deemed appropriate.

Following on from this guidance document, Britain has seen the formalisation of what could be called a youth prostitution policy. The guidance forced all Local Authorities within England and Wales to adopt protocols and local agreements that detail exactly how young people in prostitution will be dealt with (i.e. where and how referrals are processed, the mechanisms through which multi-agency work will progress and who takes the lead in what type of investigation and so on). Key children’s organisations in Scotland and Northern Ireland as well as the Scottish Executive have followed suit and,

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<sup>5</sup> To be clear, I am not suggesting that young people in prostitution are not victims of abuse. I am merely arguing that *SCIP* offered a totalizing understanding of them as always, already and only victims.

at the time of writing this article, are investigating applying this approach within their own constituencies.

Despite the suggestion in *SCIP* that local authorities were free to implement whatever type of approach they felt was best given the local conditions, a *de facto* national model of intervention emerged. In constituting the problem of youth prostitution as being a problem of child abuse a method of intervention suggested itself. In the process of implementing *SCIP*, most local authorities simply ‘grafted’ the issue of youth prostitution onto their already established multi-agency protocols and procedures for child protection work. Youth prostitution was dealt with as though it was ‘just’ another child protection issue in which social services, relevant voluntary organisation and the police worked together to ensure the safety and security of children.

And still the story does not end there, because unlike abuse within the family, youth prostitution is not ‘just’ another child protection issue. As indicated earlier, *SCIP* did not challenge or displace older understandings of young people’s involvement in prostitution. *SCIP* included a ‘persistent’ and ‘voluntary-returner’ section which enabled police to arrest and prosecute those young people who, it was felt, had not been coerced into prostitution and engaged in it of their own free will<sup>6</sup>. Because *SCIP* invoked a very particular notion of coercion (in which the individual has no capacity to act otherwise), voluntarism was constituted as being little more than the free will to make other choices, to act otherwise. *SCIP* made official a binary construction of young people in prostitution as either victims or offenders. Victims are those who are coerced, abused and exploited;

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<sup>6</sup> Examination of Home Office statistics for prosecution for prostitution related offences would indicate that prosecutions of the under 14 year old age group has remained in the region of 0 – 2 per year since the start of the 1990s. Prosecutions for the 15 – 17 year old age group however shows a dramatic decline throughout the decade of the 1990s from in the area of 300 per year to around 20 per year. That said, data collected as part of the examination of national provision indicates that there is an increasing demand for arrest, prosecution and punishment for prostitution-related offences as police and social services “lose faith” that *any* welfare-based intervention will succeed.

offenders are those who could have made other choices. With that, two very different formal modes of intervention and regulation (i.e. child protection and youth justice) were interlocked: one multi-agency group oversaw the process of adjudicating who were to be offered protection as victims and what interventions were ‘in their best interests’ and who were to be punished as offenders.

In practice, *SCIP* and the protocols that have followed put in place a method of working wherein once a concern is noted by police, social services or an involved voluntary organisation (i.e. a drug or youth agency, a sexual health outreach service, a children’s organisation and so on) that a young person is (or might be) engaged in prostitution, a multi-agency group is convened to discuss the matter. The multi-agency group usually comprises social services, the police and any voluntary organisation that might be involved. The meeting is designed to share information, to discuss concerns (which often mean discussing issues of responsibility and risk) and adopt a strategy for working with the young person (usually young girl).

In the next section, I detail some of the ways that issues of ‘risk’ and ‘responsibility’ have been discussed by police, social services and voluntary organisations. In so doing, I argue that it is precisely the multi-agency approach that creates the conditions in which the risks that young people in prostitution are exposed to are ‘transformed’ into risks to the agencies and the ‘responsibilities’ that agencies have for their young charges are ‘transformed’ into responsibilities that the young people have to leave prostitution. This argument is derived from analysis of the lack of consensus between members of various multi-agency forums regarding the meanings of these two key terms.

## ***RISK OF WHAT, TO WHOM?***

There are only 41 specialist projects in the UK that deal with young people in prostitution and the majority of these are located within the voluntary sector. They are geographically clustered such that the majority of services are located in England in the Northeast and Southeast with a few in the Midlands and the Southwest. In areas where there are no specialist organisations, work with young people in prostitution is conducted (usually) via the police, youth offending teams and social services and comes under the jurisdiction of the Community Safety or Crime and Disorder Partnerships. Interviews with those who have experience of working with young people in prostitution showed that there was little agreement about either the best way of working with this group of people or the most appropriate type of interventions. Notwithstanding this, interviews showed that there was an overall agreement that working with young prostitutes was inherently risky. Young prostitutes were seen as posing a risk in the form of liability to the organisation itself<sup>7</sup>. For, in locating the ‘problem’ of youth prostitution in childrens’ welfare services and only partly removing it from youth justice, *SCIP* has placed a legal obligation of protection upon a wide range of welfare and justice agencies without providing any new or extra resources to be able to supply that protection. Quite simply, there was no new money for this extra work. The complex social, psychological and welfare needs of young people in prostitution just became one of the many competing

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<sup>7</sup> It should be noted that the majority of young people who come to the attention of the police, social services or specialist organisations for their involvement in prostitution are: (i) girls; (ii) ‘typical’ in that their histories are marked by poverty, being in and out of Local Authority Care and experiencing abuse as well as having drug and alcohol problems in the present and a strong desire for independent living; (iii) ‘usually’ between 15 and 17 years old (although some projects are noting slighting younger girls); (iv) prostituting from the streets.

demands placed upon the various agencies. The exception to this was the 41 voluntary organisations that were set up and funded specifically to work with young prostitutes. For them, the risk of liability was straightforward: failure to exit their young charges from prostitution was evidence of failure of the organisation itself.

In this context, multi-agency work takes on very specific and different meanings for each organisation taking part. In general, multi-agency work meant 'sharing' the liability.

You have to work collaboratively with young prostitutes so that it's not just us that's carrying the can (VOLUNTARY ORGANISATION)

For me, my agenda was more around how do we share the risk because that becomes such an essential issue between agencies when you're working with the young person where there are really scary issue like prostitution. (POLICE)

Voluntary organisations and statutory agencies differed on what they saw as the importance of multi-agency work. Voluntary organisations were ambivalent about it. Whilst there was a notion that they were able to share responsibility for the young people with the police and social services, there was also the feeling that too much was expected from them.

The protocols do mean, I don't know whether this is real or imagined, but it feels very often that we are carrying a lot of risk that maybe a statutory sector agency ought to be carrying. (VOLUNTARY ORGANISATION)

For me the reforms are all about making an agreement that we have a procedure by which agencies share the idea they're going to live with the risk, so that we're not in a position that one agency is going to get shafted should things go wrong. (VOLUNTARY ORGANISATION)

If I had a penny for every time that a police officer or social worker told me that child protection was not rocket science, I would be a rich woman by now. But it is



easy for them, they do not have to carry the burden of knowing that if things go wrong, they'll get the blame. (VOLUNTARY ORGANISATION)

For social services, multi-agency work meant being able to tap into the resources of voluntary organisations and share information about specific young people. Notwithstanding this, voluntary organisations have continually complained that such 'information sharing' usually meant a one-way demand to give information placed upon them, with very little given back. When such 'sharing' was not forthcoming, the police and social services could invoke Section 47 of the Children Act 1989 to oblige other agencies to share information.

One officer told me he would prosecute me unless I told him everything I knew about one of the young women I work with. He said because it was a child protection issue, I had to. (VOLUNTARY ORGANISATION)

For me, we brought in a voluntary organisation as a third party because there was (and probably still would be if we hadn't brought them in) a lot of bickering and that bickering was about feelings of impotence on the part of the agencies (police and social services) and to perhaps shift responsibility to another agency. (SOCIAL SERVICES)

Interestingly, one of the difficulties voluntary organisations discussed was how 'sharing' information with police and social services jeopardised their outreach work. One voluntary worker recounted a tale about a young woman who worked as a prostitute in a parlour and when she revealed that she was only 15 years old. The worker (who worked with a sexual health outreach service) made the decision to inform social services and the police. As a result of this, the voluntary worker is now denied access by the owners to a number of parlours in the area and by extension to the women working within them.

As practice has developed in the last three years, voluntary organisations are re-defining what they understand as the ‘problem’ of youth prostitution in ways that enable them to avoid issues of liability to the organisation and the compulsion to share information. Specifically, many voluntary projects are now invoking a concept of ‘immediate danger’ to distinguish between cases that need to be referred to the police and social services and those that do not. This enables them to continue to offer a confidential service and only report cases in which young girls are at risk of death or extreme harm or violence.

### ***BLURRED BOUNDARIES***

Youth prostitution presents many difficulties for practitioners, not least of which is that such work occurs, literally, at the margins of both child protection and youth justice. In not decriminalising prostitution-related offences for the under 18 year olds, and by formalising the distinction between those who are involved in prostitution as a result of abuse and those who ‘voluntarily’ engage in it, the Department of Health and Home Office created a framework of policy and practice which locates the issue of youth prostitution in both welfare and justice agencies. Therefore, unlike other issues that are dealt with via a multi-agency approach, youth prostitution multi-agency work *necessarily* involves working with the contradiction of care and control, welfare and punishment. In so doing, the conditions are created in which the boundaries between welfare and punishment blur.

In the sections that follow, I detail the ways in which the distinction between those young people who are thought of as needing protection and those understood as appropriate subject of punishment breaks down in practice. Subsequent to this, I outline the ways that ‘welfare-based’ interventions are buttressed by punishment and the ways that punishment is re-constructed as ‘welfare’. Underpinning this, however, is the perceived demand placed on workers to be ever vigilant in limiting the risk of liability to the organisation that young people in prostitution posed.

### ***Too Little, Too Late***

Despite the diversity of understanding about multi-agency work held by its members, the majority of those who have had experience in working with 15, 16, 17 year olds in prostitution agreed that whilst it is better not to criminalise this group of young people, the welfare interventions that have been put in place do little to help them leave prostitution. One sexual health outreach worker in the south of England reported that the agency knows of two girls who prostitute in order to feed their mother’s crack habit. Time and again the police pick these girls up and simply return them to their homes. Social services claimed there is little more that can be done because the girls have already been placed in residential care. More commonly, voluntary organisation workers recounted the dire lack of suitable accommodation for teenagers, the long waiting lists for drug treatment and the incongruence between the services that can be provided and the chaotic nature of these young people’s lives. This was so much so the case that many organisations talked about social services and the police “dragging their feet” when the

young woman was 17 years old; instead opting to wait until she was 18 years old so that they could deal with her through the standard criminal justice route of arrest, prosecution and punishment.

Whilst such inaction might appear cynical to the outsider, it must be understood in a context in which most organisations (including the police) recognised that there was very little that could be done for most young people in prostitution. The key method of working was to ‘work with where the young person was at’ which meant, in practice, to offer advocacy, counselling, self-esteem and self-confidence building<sup>8</sup>. This form of intervention was structured partly by the lack of additional resources given to Local Authorities for youth prostitution and also by the explanation for it put forward SCIP. Notwithstanding this, working with where the young person is “at” rebounded on the organisation, if only because such methods and approaches cannot address the extreme social and economic problems experienced by most young people in prostitution. Such an incongruence between “help” offered and the realities of prostitution for most young people can, arguably, create the very conditions for their persistent return thereby generating more liability risks for the agency. In this context, sustained involvement by any one agency with a specific young person soon saw agencies re-focusing attention on the motivation of the young person.

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<sup>8</sup> Other help offered included helping young people secure housing, negotiating with family and helping the young people ‘express’ themselves. In one case, a worker informed me that the agency she worked with which specialized in working with young people who are being sexually exploited discovered that one of their charges enjoyed dancing. As a response, they helped her enroll in Scottish Dancing classes. As valuable as dancing classes may be to self-esteem and self-confidence it does little to address the social and structural issues funneling some young people’s choices.

### *Victim, Offender and the adjudication of motivation*

In framing the problem of youth prostitution as either a problem of ‘abuse’ (wherein young people are coerced into prostitution) or ‘crime’ (wherein young people persistently and voluntarily continue to be involved in prostitution), *SCIP* created a policy that can only result in a focus on the motivation of young people. Did they, or did they not, consent to their involvement? As practice has developed however, social workers and voluntary project workers have attempted to displace the view that a young person involved in prostitution may chose to do so by challenging any simplistic notion of ‘consent’. So, for instance, some voluntary project workers, and specifically sexual health outreach workers, described that much of the work that they have to do in the multi-agency meetings involves detailed discussion of how the choices that young people make are “too crowded by other issues” to allow them to make ‘reasoned or rationale’ choices.

Notwithstanding this, where young girls ‘persistently’ failed to respond to the best efforts of agencies and where they were regularly picked up by police officers, the adjudication of motivation can lead directly to criminalisation if the agencies feel that girl is voluntarily involved in prostitution. Whilst many workers talked at length about the need to avoid making any “snap judgements” and the necessity to ensure that all possible avenues have been explored, there was also discussion that at some point it is important to “draw the line” with some young people and recognise that occasionally, whilst toxic, some young people do, voluntarily, engage in prostitution. When asked about what

criteria they would use to make such determination, practitioners discussed both the young people's 'persistent return' to prostitution and the associated failure to 'exit' as well as other factors that seemingly have little to do with the actual lives in prostitution of the young girls. (Of course, this is an irony that ensures that agencies can never 'fail' - and thereby avoid the risk of liability. If a young girl does not leave prostitution, then by definition she must be voluntarily involved). The extra-prostitution factors that practitioners identified as "evidence" of voluntarism included: age, demeanour and recalcitrance. Seventeen year olds were much more likely to be seen as understanding the choices that they made and thus, by inference, involved in prostitution voluntarily. Other practitioners recounted having to fight against the views held by some statutory agencies (i.e. social services) that once a girl turns 16 years old, it is her choice to be involved in prostitution or that "if they don't want stop then we can't help them". Likewise, those young people who did not easily "fit" the stereotype of either an abused child or coerced victim were also likely to be seen as voluntarily involved. Here, practitioners talked about "mouthy" young women, "spitting and swearing and kicking out", "not wanting help" and "going straight back to the beat".

There's a dilemma here because if you have got a 17 year old that has made the life choice and that is the way they choose to go on behalf of themselves then there has to be a point where you say, well hang on a minute, this person is actually not a victim, this person is an offender. (SOCIAL SERVICES)

But we're also very well aware of the realities of the street and that, you know, that the protocols don't say NEVER arrest these young people, the protocols say don't arrest them as a first course. Find out what their lives are like first and why they are in prostitution. (VOLUNTARY ORG)

At the risk of repetition, young people aged 15 – 17 years old are precisely the young people in prostitution who are most likely to come into contact with police, social services and voluntary organisations for their involvement in prostitution if only because they are likely to be doing street based prostitution and have problems with drugs. Much younger age groups tend to work in less visible ways. Pearce (2003) reported that 12 – 14 year old girls who did not identify as ‘prostitutes’ nevertheless were at risk of sexual exploitation because of the ways in which they ‘get into men’s cars’ and exchanged sex for other things, such as a roof for the night, drinks in a bar and so on. More than this, it is also the 15 – 17 year old age group who are more likely to have already been involved in social services and who are also more likely to act in less “cooperative ways” because of both their previous experiences of statutory interventions and their (usual) desire for independence (cf. Phoenix 2001, Carlen 1996). The point here is that the majority of young girls in prostitution that agencies do come into contact with are specifically the most troubling and ‘risky’ (to the organisation) group of 15 – 17 year olds.

It is in this situation that the distinction drawn in *SCIP* between those voluntarily involved in prostitution and those who needed “help” breaks down in practice. Helping a young person with “where they are at” does little or nothing to address the complexities of how the young person makes sense of their involvement in prostitution and the almost complete lack of options that young people have for their own economic and social security and stability. And, in so doing, the very interventions put in place to “help” young people in prostitution set the scene for the agencies to “admit failure” and reconstruct their young charges as voluntarily involved in prostitution. Here, ‘welfare-

based' interventions rapidly bleed into the more punitive responses of criminalisation as agencies struggle to determine just what to do with these older, young people.

*Extreme Risks: when protection becomes punishment*

The exception to “working with where the young person is at” is when the girl’s involvement in prostitution was judged to be ‘too heavy’ and thus a more ‘extreme intervention’ was needed. When asked about what ‘too heavy’ meant, practitioners were in agreement: too heavy meant that involvement in prostitution was often accompanied by the extreme abuse of the young person from (typically) an older man, was associated with a heavy involvement or dependency on drugs and/or where the involvement in prostitution was imbricated with organised crime. For instance, in one locality, practitioners talked about a group of organised, older, criminal men who traded guns and drugs, dominated and “pimped” young girls from the ‘beat’ and would even “pass them around to be raped”. In these ‘extreme’ cases, practitioners also talked about their fears of being “the one who has a child death on their hands” and the way in which this would compromise the ability of the organisation to continue to do the work that they do. This was especially pertinent in areas where there were notable tensions between the different agencies or where there had not been a long history of trusting relationships between the voluntary and statutory sectors. And when these ‘extreme’ cases occurred, practitioners felt the only real option for ensuring the safety of the young girls was placing them in secure accommodation.



Most practitioners who were interviewed recognised that secure accommodation did not tackle the poverty and social instability that often brought about specific young people's involvement in prostitution. Instead, secure accommodation provided the multi-agency group with a means to displace the burden of "carrying the risk". In this sense, secure accommodation was used primarily as a strategy for ensuring 'safety' for *both* the young person and the organisation. That this happened is, of course, not surprising. Where the perceived risk is of life and death, social services, police and voluntary organisations *must* act. In a context where there are little or no resources and no effective way of addressing the structural issues that lead young people into prostitution, secure accommodation does become a useful strategy in blame avoidance.

For the purposes of this article, the importance of securing young people in prostitution does not necessarily inhere in the wider questions of its 'success' or 'effectiveness' as an exit plan. Rather, the importance inheres in the way that often the only practical strategy at the disposal of voluntary and statutory services is the intervention in which we see the distinction between punishment and protection most profoundly dissolved. Young people placed in secure accommodation "for their protection" (and the protection of the agency) are often placed in the exact same institutions as those young people who are secured for punishment. And, recent research into secure accommodation has detailed the many and various ways that the welfare needs of young people are systematically sidelined in favour of the security and containment demands placed upon the institution to achieve its punitive purpose for some of its charges (Goldson 2002, O'Neill 2002). In short, the primary purpose of secure accommodation is to curtail the liberty and contain the young people placed there. Hence,

in cases that constitute what could be called the extreme edge of child protection (i.e. threats to life), the intervention offered is often punitive. Young girls are offered protection through the punishing regimes of being incarcerated in secure accommodation.

The issue for us is do we go for, we have had a number of situations where we've had to use Secure because they have been very life threatening situations and we don't want a death on our hands. (SOCIAL SERVICES)

We do use secure accommodation – not that much and I wonder if we should use it more. Anyway, this one girl we secured twice in one year. The first time she had about three months secure. But as soon as she was back here, she was back on the scene. She ended up asking us to give her more secure. (SOCIAL SERVICES)

The only way I can see anything getting done is that we've got to remove this girl from where she is. They removed her to a B&B which just happens to be right in the middle of it and it just seemed a nonsense to me... At the end of the day, we argued over secure accommodation and that's social services advice for her - and it is through their bosses and legal department coz they've got to get funding and then they've got to find a bed and they were saying we haven't got anything, we've got no staff and no funding. But they found somewhere. But in the interim, we're going to arrest her for police protection and then we've got 72 hours until the social service come in and of course we must hand it over to them. But at least we will see that she's OK and when we got for 72 hours secure accommodation social service can then go for 4 or 3 months. (POLICE - CPT)

### *Policing the streets: when punishment is protection*

So far I have detailed how both voluntary organisations and social services blurred the boundaries between protection and punishment in the ways that they understand and construct the liability risks posed to the organisation by young people in prostitution. The police, however, constituted the risks they face by young people in prostitution slightly differently. For them, the liability posed by young prostitutes was the

worry that any visible presence of young prostitutes in the area would cause increased community demands to “clean up the streets”. And, more than this, the presence of young prostitutes generated a fear among senior police officers that the level of prostitution-related problems in the not-too-distant future would also increase. Therefore, there was the need “to be seen to be doing something about it [i.e. prostitution]” by removing, reducing or displacing the visible presence of young people in prostitution.

It is in this context that there is a third and final blurring of the boundaries between protection and punishment. For, in order to avoid the liability risks posed by youth prostitution, senior officers talked about the need to continue with more traditional methods of arrest and prosecution in order to “protect” themselves from complaints and, more pertinently to this article, “protect” the young people from involvement in prostitution. It is here that we see a creeping welfarisation of punishment as ‘punishment’ comes to be understood as one in a host of strategies that will ensure the greater welfare, safety, security and well-being of the young person. Ironically, punishing young girls in prostitution was seen as providing ‘protection’ for them now as well as ‘protection’ for a future generation of young women.

Enforcement on its own won't work and neither will support services on their own because these girls won't just go along and say I want to get out of prostitution - you've got to make it happen. So I've been looking at using ASBO for prostitutes. I've got no option particularly the way that things are going at the moment - the rapes, the murder, the assaults on prostitutes, the kidnaps. It's a form of protection. I think we've got to enforce the issue and force them off the streets.  
(POLICE)

This is a long term strategy to help exit young people by using all the multi-agencies and if you have less young people on the streets involved in prostitution, now you'll have less prostitution long term. Bearing in mind that each one of the

girls is a role model to another girl or more than that. So if you take one girl out of prostitution, it's like removing 5. (POLICE)

More routinely, however, police officers who had had experience working with young people in prostitution, including those doing child protection work, talked about arrest and police harassment as an 'exit strategy'. The logic was simple: the more a young person is arrested and the more difficult their involvement in prostitution becomes, the harder it is for that young person to voluntarily return to prostitution. Again, it would be easy to be overly cynical about such logic and accuse the police of 'insensitivity' or a lack of understanding. Against such an accusation, however, is the reality that the police have few other resources at their disposal; they use what strategies they have in their endeavours to discharge their obligation of care for this particular group of young people. What must be borne in mind is that it is the youth justice and prostitution policies themselves that shape this particular blurred boundary.

## ***Conclusion***

The argument put forward in this article is that discussions about the shifting and changing nature of youth justice have, perhaps, overplayed the ways in which care and control have been displaced in youth justice and underplayed the ways that managerialism and corporatism have created structures that allow the contradiction to be accommodated. By focussing on work at the margins of youth justice and child protection insight is generated into how a punitive response becomes one of the ways in which protection is exacted and vice versa. So, in relation to young prostitutes, the ideology of

managerialism and structure of the multi-agency group focuses attention on clearly identifying issues of risk to the agency. In this way a group of young girls originally defined as posing a risk to themselves, quickly become seen as a risk to others (i.e. the agencies) and with that protection of the girls is translated into protection of the agencies. And, when faced with these liabilities and no resources or means of dealing with the complex problems associated with involvement in prostitution, organisations use what resources they do possess. The result is simple: protection is administered through incarceration and punishment gets symbolically transformed into welfare; and with that, the contradiction at the heart of this work becomes not so contradictory.

It is possible that the case of youth prostitution is unique. However, I would suggest that the creeping criminalisation of social policy vis-à-vis youth and the way that non-criminal justice, and specifically welfare, agencies are increasingly being tied in with the work of youth justice agencies creates the conditions in which there will be a more wide-spread instances of security-oriented welfare and punishment for the ‘good’ of the young people.

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